IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 11740 of 2004

Between:

Biradavolu Sandhya S/o.Rammohan Reddy
R/o.Isakapalem Village, Venkatachalam Mandal, Nellore District.

..... PETITIONER

AND

1 District Supply Officer O/o District collector's Officer
Nellore Nellore District.
2 The Revenue Divisional Officer
Nellore Division, Nellore District.
3 Kethireddy Ramamohanaiah S/o.Eswaraiah
R/o. Isakapalam Village, Venkatachalam, Mandal Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of mandamus or any other appropriate writ or direction declaring the order of the 1st respondent in rejecting the stay application filed by petitioner with assigning any reason as illegal and arbitrary and consequently direct the respondents 1 and 2 not to give effect to the orders passed in D.Dis No.667/2004 dated 26.6.2004 pending disposal of the appeal before the 1st respondent.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondent Nos.1 & 2: GP FOR CIVIL SUPPLIES

Counsel for the Respondent No.3 : MR. P. SRIDHAR REDDY

The Court made the following :

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THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 11740 OF 2004

ORDER:-

Heard both the learned counsel and at their request, the main writ petition itself is taken up for disposal.

Petitioner, who claims to be running Fair Price Shop at Isakapalem village, Venkatachalam Mandal Nellore District, filed this writ petition challenging the rejection of the request of the petitioner for staying the proceedings in an appeal pending before first respondent.

The case of the petitioner is that her father-in-law was holding license and subsequent to his death, she has been taking care of the business. Meanwhile, the respondents issued notification on 25-5-2004 for filling up the permanent vacancy in regard to the said Fair Price Shop. The case of the petitioner is that there is no justification to issue such notification without considering her case.

Learned counsel for third respondent submits that in pursuance of the notification, process has already been completed and he was appointed and he made the necessary deposit and he started business and supplying the goods and in support of it he filed release orders.

Considering the submissions made on either side and on perusal of the material on record, it is seen that since the substantive appeal filed by the petitioner is pending consideration before first respondent, it is not necessary to go into the contentions of either side. Though this Court granted interim suspension initially on 9—7—2004, however, it is pointed out by the learned counsel for third respondent that third

respondent has already taken charge and obtained goods and supplying the same. In view of the same, I do not find any ground to interdict the supply of goods at this stage. Suffice to direct first respondent to dispose of the appeal pending before him.

Accordingly, this writ petition is disposed of directing first respondent to dispose of the appeal pending before him within a period of one months from the date of receipt of a copy of this order. No costs.

10—08—2004.

Stv/-

Note: Issue C.C. by tomorrow.

(B.O.)

C.M.

To

1 The District Supply Officer O/o District collector's Officer,
Nellore Nellore District.
2 The Revenue Divisional Officer,
Nellore Division, Nellore District.

3 Two CCs to the G.P for Civil Supplies, High Court Buildings, Hyderabad(O.U.T).

4 Two CD copies.

THE HONOURABLE SRI JUSTICE B. PRAKASH RAO

WRIT PETITION NO. 11740 OF 2004.

10—08--2004